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Administrator (Acting)

APPROVED

Board of Building Regulations and Standards (BBRS)
Department of Public Safety, One Ashburton Place, Boston, MA 02108
May 10, 2016 at 1:00p.m.

1. RC opened the meeting at 1:02 PM, and roll call was taken.

Richard Crowley Chair (RC)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Kerry Dietz (KD)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Thomas Perry, V.C. (TP)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Peter Ostroskey (PO) or designee	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Felix Zemel (FZ)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Michael McDowell (MM)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
John Couture (JC)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Monica Simmons (MS)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Kevin Gallagher (KG)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent	Christopher Pennie (CP)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Cheryl Lavalley (CJL)	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent			

- * Jennifer Hoyt (JH) participated as designee for PO.
- * FZ introduced Lisa Barros as new attendee also welcomed back Tom Riley.

ALSO IN ATTENDANCE Steve Carley counsel. Others in attendance listed in attached Audience Sign-In Sheet (**EXHIBIT F**):

General notes on format:

- o Votes are noted as **Motion** by, Second by, and whether the vote was unanimous or split (if split, will list the vote in the order of: yea, nay, and abstain).
- o The May 10, 2016 Agenda is listed as **Exhibit A**; other EXHIBITS are listed sequentially as addressed during the meeting.

2. **The Draft April 12, 2016 meeting minutes (Exhibit B) were reviewed.**

MOTION by MM to accept the minutes of the April 12, 2016 BBRS meeting, incorporating amendments offered by CL, **SECOND** by TP; **VOTE** Unanimous

3. **Review of 9th Edition training update.**

Discuss: FZ presented 9th edition training, Rob Anderson, DPS, is developing additional training. Rob will focus on trench and amusement training until after a public hearing is scheduled for the 9th edition, after which educational training development on the 9th Edition Building Code can commence.

4. **Review of EO562 and 9th Edition Public Hearing**

SC updates/report of agenda item received from administration of finance allowing for going forward with public hearing on 6/14/16 but such public hearing only addressing the proposed updated energy provisions of the DRAFT 9th Edition Code which will then be treated as revisions to the current 8th Edition of the Building Code. Taking into consideration public hearing comments, the BBRS is expected to promulgate some version of the updated energy code provisions at its follow up meeting of 7/19/2016.

5. **Legislative Update**

SC discussed Legislative status of proposed bills that could impact the Building Code; additionally, a list of bills was passed out for board information.

6. **ICC Group B Committee Hearing**

FZ provided an ICC Group B committee hearing update noting that staff would be in the process of reviewing proposed technical requirements.

7. **Approval of 127 new CSLs issued in the month of March, 2016**

Approval of 127 New CSLs

MOTION by FZ **SECOND** by MM **VOTE** Unanimous

8. **Reinstatement of one (1) CSL due to special conditions: Robert A. Fowler (CS-076942)**

FZ discussed the Robert Fowler case for reinstatement, explaining the reason the CSL expired. Staff recommended that Robert Fowler pay all back dated late fees and update/ submit his continuing education for the years he was expired.

MOTION by MM **SECOND** by TP **VOTE** Unanimous

9. **Follow-up on request of Paul Daniele's and Atanas Pernikliev's qualifications to sit for the construction supervisor license exam.**

FZ discussed the need for verification of foreign country documents so that the Board or Prometric can accept evidence that a candidate (from a foreign country) has acceptable work experience even though such work experience was acquired in a foreign country.

Narrow to Paul Daniele and Atanas Pernikliev, the Board voted to require notarized submission of their respective foreign country work experience and to have the Secretary of the Commonwealth legally authenticate such notarized documents or foreign country work experience via apostille.

MOTION by MM **SECOND** by FZ **VOTE** Unanimous

10. **Discuss policy for reinstatement of expired CSL licenses. Policy requirements for on-line CSL training**

Tabled

11. **110.R5.4.7 Course Approval. Approval will not be granted for time spent on meals or other unrelated activities. Breaks may not be accumulated in order to dismiss the class early.**

Tabled to next meeting

MOTION by FZ **SECOND** by TP **VOTE** unanimous

12. **Approval of two (2) new Concrete Testing Licenses:**

a. HAKS Engineering, 47 Hudson St., Ossining, NY 10562

b. ConTest Consultants, Inc., 18 Cote Ave., Goffstown, NH 03045

FZ presented both CTL applications with recommendation for approval.

MOTION by MM **SECOND** by KD **VOTE** Unanimous

13. **Discuss available, unaffiliated, Building Official list.**

TABLED to July

14. **Discuss Building Official Appointing Authority.**

TABLED to July

16. **Update on rescinded Official Interpretation 2015_01, regarding insulation/energy upgrades.**

FZ discussed status of official interpretation. 2015_01 which the Board previously voted to rescind, but due to technical issues with respect to the DPS website, DPS has not been able to remove the posted interpretation from the DPS website. Via DPS e-mailing lists, building officials have been notified of the rescission of this official interpretation and have been advised to continue to require building permits for energy retrofit work.

NO ACTION

17. **Review/Discuss BFPR request for BBRS participation in BFPR solar working group.**

FZ discussed the Board of Fire Prevention Regulations (BFPR) solar working group, noting the receiving of a letter (on 4/7/2016, after BBRS meeting was scheduled) from BFPR Chairman Anthony Caputo. The BFPR solar working group is asking the BBRS to designate a person to sit on this committee commented on reason for the BFPR Group.

JC designated to sit on BFPR Group.

MOTION by FZ **SECOND** by TP/MM **VOTE** Unanimous

18. **Discuss other matters not reasonably anticipated 2 business days in advance of meeting.**

MM informally discussed the HIC Program and the fact that he offered testimony at a recent Public Hearing testifying that the CS License should be included among recognized professions and therefore, like those holding Electricians' and Plumbers' Licenses, the CSL-holder likewise should not fall under the HIC Registration Program. MM believed his testimony was well received although outcomes are not yet known.

NO ACTION

19. **Approve** adjourning the 5/10/16 monthly meeting.

MOTION by MM to adjourn the meeting. **SECOND** TP by **VOTE**: Unanimous

20. **Board of Building Regulations and Standards Statutory Public Hearing held in accordance with M.G.L. c. 143, Section 97**

Receipt and discussion of comments or petitions for changes to 780 CMR, 8th Edition, as well as proposed 9th Edition pursuant to M.G.L. c. 143, Section 97.

1. **Review** comments already received:

- a. Senator Brownsberger code change proposal re: separation of flammable insulation from potential ignition sources.

RC asked the Board members to introduce themselves for the Public meeting.

FZ discussed the reason for Senator Brownberger's request for a code change proposal; i.e., separation of flammable insulation from potential ignition sources.

RC sought a Motion to consider the Senator's proposal as a Public Comment for the move forward to the DRAFT 9th edition Code.

MOTION by MM **SECOND** by FZ **VOTE** Unanimous

21. Public participation

FZ introduced an email from a Group from Tuft and City of Somerville, public /private research group public comment. **NO ACTION**

22. Approve adjourning the Public Hearing

MOTION by RC **SECOND** By FZ **VOTE** Unanimous

EXHIBITS:

- A. BBRS Meeting agenda 05-10-2016
- B. BBRS Meeting Minutes 04-12-2016 (*Approved as amended*)
- C. Policy relative to reinstatement/re-issuance of expired CSL
- D. Continued Education
- E. Building Code/BBRS-related Bills: 2015-2016 Session
- F. Audience sign-in sheet of those in attendance at the 05-10-2016 BBRS monthly meeting.